



DOCKET NO.: C1037.70038US01

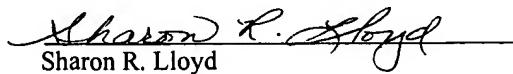
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg  
Serial No.: 10/735,592  
Confirmation No.: 2533  
Filed: December 11, 2003  
For: 5' CPG NUCLEIC ACIDS AND METHODS OF USE  
Examiner: N. M. Minnifield  
Art Unit: 1645

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 24<sup>th</sup> day of July, 2006.

  
Sharon R. Lloyd

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**MAIL STOP AMENDMENT**  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Response to Restriction Requirement
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

  
Helen C. Lockhart, Ph.D., Reg. No.: 39,248  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: C1037.70038US01  
Date: July 24, 2006  
x07/26/06x



Docket No.: C1037.70038US01  
(PATENT)

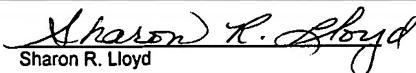
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg et al.  
Serial No.: 10/735592  
Confirmation No.: 2533  
Filed: December 11, 2003  
For: CPG NUCLEIC ACIDS AND METHODS OF USE  
Examiner: N. M. Minnifield  
Art Unit: 1645

**Certificate of Mailing Under 37 CFR 1.8(a)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 24, 2006

  
Sharon R. Lloyd

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed June 26, 2006, Applicants hereby elect Group I, drawn to oligonucleotides including claims 1, 6-10 and 13-24 and a species of  $X_1 = A$ ,  $X_2 = A$ , and  $N_1 = ATTTTTTTTTA$ , with traverse.

Applicants have elected Group I, drawn to oligonucleotides including claims 1, 6-10 and 13-24 and a species of  $X_1 = A$ ,  $X_2 = A$ , and  $N_1 = \text{ATTTTTTTTTA}$ , with traverse.

The traversal is on the grounds that the invention is directed to a class of compounds sharing common structural features and methods of using that class of compounds to induce an immune response for treating disorders affected by the immune system. The members of the class of compounds are oligonucleotides.

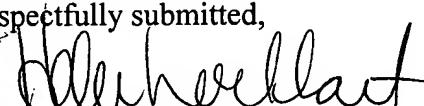
Initially, the Examiner has required that the claims of this invention be separated into 20 different inventions, encompassing the compositions and each of the methods of treatment. It is not this aspect of the restriction requirement that is traversed. In addition to the 20-way restriction, the Examiner has indicated that Applicants must elect specific oligonucleotides falling within the claimed genus. The claimed class of oligonucleotides share a common structural motif, similar to a chemical structure and have common functional properties. A search and examination of the entire class of oligonucleotides would not require an undue burden because the oligonucleotides that are the subject matter of the claims are a related class of chemical compounds having a generic common structural entity.

Applicants acknowledge the indication by the examiner that upon allowance of a generic claim that additional species will be considered.

Having made the election, Applicants expressly reserve the right to file one or more continuing applications on the subject matter of the non-elected claims.

Dated: July 24, 2006

Respectfully submitted,

By 

Helen C. Lockhart

Registration No.: 39,248

WOLF, GREENFIELD & SACKS, P.C.

Federal Reserve Plaza

600 Atlantic Avenue

Boston, Massachusetts 02210-2206

(617) 646-8000